

REMARKS

N.B. It is requested that Examiner Goodwin, in her next communication, acknowledge receipt of Applicant's claim for foreign priority and also receipt of the certified copy of the priority document. That is, on the Form PTOL-326 items 12) a) 1. should be checked. The undersigned attorney checked PRIVATE PAIR and found that the priority document has, in fact, been received by the USPTO.

Applicant respectfully traverses the rejection of claims 1-4, 7, 8 and 10 under 35 U.S.C. § 102(e) as being anticipated by Terasawa '086.

Such a rejection requires that Terasawa '086 disclose, either expressly or inherently, each limitation of each of the rejected claims 1-4, 7, 8 and 10, or in other words, that each of these rejected claims be readable on Terasawa's disclosure.

Applicant respectfully submits that clearly such is **not** the case here.

More specifically, the amended independent parent claim 1 now requires that "said locking members...extend towards a symmetry axis of said annular portion, substantially parallel to the plate", instead of towards the interior of the annular portion. In addition to this, claim 1 clearly recites that the "support...houses said battery assembly".

Terasawa '086 describes a battery lid/cover structure 12 for a timepiece case, arranged to fit in a hole located in the back lid 3 or the bottom surface of a case, immediately underneath the battery. The cover 12 includes two locking members extending towards the periphery of the cover which catch shoulders formed by the back lid 3 or bottom surface of the case itself. The locking members are equipped with a small protrusion 19 for tightening the cover.

Thus, Terasawa fails to disclose, or even suggest, Applicant's claimed cover structure for a timepiece case, wherein:

the "locking members of the cover extend towards a symmetry axis...of the cover"; and the shoulders are part of "a support [which is] fixedly mounted in the case [and which] houses said battery assembly".

Thus, since Terasawa does not disclose, either expressly or inherently, or even suggest all of the limitations of independent parent claim 1, Applicant respectfully submits that Terasawa is **incapable** of anticipating claims 1-4, 7, 8 and 10; therefore, Applicant respectfully requests the Examiner to reconsider and **withdraw** the rejection of these claims under 35 U.S.C. § 102(c).

Applicant also respectfully traverses the rejection of dependent claim 5 (5/1) under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Terasawa '086. As explained above, Terasawa does not disclose or even suggest all of the limitations of the amended parent claim 1, whereby Applicant respectfully submits that Terasawa is incapable of rendering *prima facie* obvious the subject matter of claim 5. That is, even if, as proposed by the Examiner, a person of ordinary skill were to use a non-circular shaped watch case in Terasawa, the subject matter of dependent claim 5/1 would not have been *prima facie* obvious and, furthermore, even if, for some reason, a person were to use a non-circular shaped watch case in Terasawa, there would not be produced the subject matter of claim 5/1.

Therefore, Applicant respectfully also requests the Examiner to reconsider and **withdraw** the rejection of claim 5 under 35 U.S.C. § 103(a).

Applicant also respectfully traverses the rejection of claim 6 (6/5/1) as being unpatentable over Terasawa '086 in view of Stevens '240. Claim 6 (6/5/1) is patentable and non-obvious for the same reasons explained above with respect to its parent claim 5 (5/1). Furthermore, in view of Applicant's above analysis of Terasawa's disclosure relevant to the subject matter of parent claim 1, Applicant respectfully **disagrees** with the Examiner's statement that, "Terasawa teaches all of the claimed invention as explained above, with respect to claim 5...". That is, even assuming *arguendo* that Stevens "discloses the electric battery assembly includes at least two batteries or accumulators", the subject matter of claim 6 (6/5/1) would not have, for the reasons discussed above, been *prima facie* obvious, or, in other words, even if a person were to use the two-battery assembly of Stevens, there would not be produced the subject matter of claim 6 (6/5/1) or subject matter which would have rendered claim 6 obvious.

Applicant also respectfully traverses the rejection of dependent claim 9 (9/8/7/1) as being unpatentable (obvious) over Terasawa '086 in view of Mignot '304.

Applicant again respectfully **disagrees**, for the reasons explained above with respect to claim 1, that "Terasawa teaches all of the claimed invention as explained above, with respect to claim 8...". Since Terasawa, as explained above, does not teach or suggest all of the limitations of independent claim 1, even if a person were "to use the electro-acoustic transducer of Mignot in the timepiece of Terasawa", clearly there would not be produced the subject matter of claim 9/8/7/1, or subject matter which would have rendered claim 9 *prima facie* obvious.

Therefore, Applicant also respectfully requests the Examiner to reconsider and **withdraw** the rejection of claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Terasawa in view of Mignot '304.

Applicant also respectfully traverses the rejection of dependent claim 11 (11/1) as being unpatentable (obvious) over Terasawa '086.

Again, Applicant must respectfully **disagree** with the Examiner's statement that, "Terasawa teaches all of the claimed invention as explained above, with respect to claim 1...".

As already analyzed above, since Terasawa does not disclose or even suggest all of the limitations of the parent claim 1, Terasawa is **incapable** of rendering *prima facie* obvious the subject matter of the dependent claim 11/1.

More specifically, even assuming *arguendo* that, "Gripping means are well known in devices which are manually actuated" (as asserted by the Examiner), Terasawa, as already explained above, does not disclose or even suggest all of the limitations of the independent parent claim 1. Thus, Terasawa is **incapable** of rendering *prima facie* obvious the subject matter of claim 11/1. Furthermore, it is clear that, even if for some reason a person were to use Applicant's claimed "gripping means for the watch of Terasawa in order for you to be able to turn it manually", there would not be produced the subject matter of claim 11 (11/1), or subject matter which would have rendered claim 11 obvious.

Therefore, Applicant also respectfully requests the Examiner to reconsider and **withdraw** the rejection of claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Terasawa '086.

AMENDMENT UNDER 37 C.F.R. § 1.111
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In summary, then, and for the reasons explained above, Applicant respectfully requests Examiner Goodwin to reconsider and **withdraw** all of the rejections under 35 U.S.C. § 102(e) and 103(a), and to find the application to be in condition for allowance with all of claims **1-11**; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,

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